

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

WAYNE BERRY,

Plaintiff,

vs.

DEUTSCHE BANK TRUST COMPANY  
AMERICAS (FKA BANKERS TRUST  
COMPANY) and JP MORGAN CHASE  
BANK in their separate capacities and as  
agents for the pre- and post-petition lenders of  
Fleming Companies, Inc.; GENERAL  
ELECTRIC CAPITAL CORPORATION;  
C&S WHOLESALE GROCERS, INC.; THE  
POST-CONFIRMATION TRUST OF  
FLEMING COMPANIES, INC.; ROBERT  
KORS; CORE-MARK HOLDINGS INC. and  
DOES 1 to 200,

Defendants.

Case No. 01:07 CV 7634 (WHP)

ECF Case

DEFENDANT POST CONFIRMATION TRUST'S  
FEDERAL RULE 7.1 DISCLOSURE STATEMENT

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**DISCLOSURE STATEMENT FOR DEFENDANT POST CONFIRMATION TRUST**

Although the Post Confirmation Trust (the “PCT”) is a grantor trust, and not a “nongovernmental corporate party” required to file a disclosure statement under Federal Rule of Civil Procedure 7.1, in an abundance of caution, Kirkland & Ellis LLP, as attorneys for the PCT, makes the following disclosures to the Court. The PCT is a grantor trust created pursuant to the Debtors’ and Official Committee of Unsecured Creditors’ Third Amended and Revised Joint Plan of Reorganization of Fleming Companies, Inc. and its Filing Subsidiaries under Chapter 11 of the United States Bankruptcy Code (the “Plan”) and the Post-Confirmation Trust Agreement, as approved by the United States Bankruptcy Court for the District of Delaware. The PCT has no parent corporation, nor does any corporation own any part of the PCT. The beneficiaries of the PCT, a grantor trust, are the creditors of the Fleming Companies, Inc. bankruptcy estate.

DATED: February 25, 2008

By: /s/ Richard L. Wynne

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